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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/067,087

02/04/2002

Andrew Sternlicht

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EXAMINER

GLASS, RUSSELL S

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/067,087	STERNLICHT, ANDREW	
	Examiner	Art Unit	
	Russell S. Glass	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 20-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-19 in the reply filed on September 22, 2006 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-12, 17-19 are rejected under 35 U.S.C. 102(a) as anticipated by

Medical Travel Inc., accessed as of June 20, 2000 and available at:

<http://web.archive.org/web/20000816163204/www.medicaltravel.org/index.html>,

hereinafter cited as Medical Travel with page numbers provided by examiner.

2. As per claim 1, Medical Travel discloses a method wherein method for managing medical care of multiple clients outside of a medical facility, comprising the steps of:

a) accepting reservations from at least two clients, (Medical Travel, p. 4);

b) bundling the clients having a reservation period and located in a close geographic location into a quantum bundle, (Medical Travel, p. 4)(a group of people with

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similar disabilities booked together for treatment and transport on the same cruise ship is considered to be a quantum bundle because they share the same reservation period and geographic location);

c) providing an accommodation outside of a medical facility for each bundle of clients, (Medical Travel, p. 4, 19)(a cruise ship is considered an outside accommodation);

d) providing clinical services to the bundle of clients, (Medical Travel, p. 4, 19)(dialysis is a clinical service).

3. As per claim 2, Medical Travel discloses a method wherein the reservation period for each

client in the bundle of clients is overlapping in time, (Medical Travel, p. 4).

4. As per claim 3, Medical Travel discloses a method wherein further comprising the step of providing concierge services, (Medical Travel, p. 4).

5. As per claim 4, Medical Travel discloses a method wherein the step of providing concierge services includes providing transportation to the accommodation from a medical facility, (Medical Travel, p. 4, 11, 12).

6. As per claim 5, Medical Travel discloses a method wherein wherein the step of providing the concierge services includes providing medical travel escorts, (Medical Travel, p. 4)(a board certified nephrologist is a form of escort).

7. As per claim 6, Medical Travel discloses a method wherein the step of providing the concierge services includes providing vehicle travel reservations, (Medical Travel, p. 4, 11, 12).

8. As per claim 7, Medical Travel discloses a method further comprising the step of coordinating billing of the Concierge services to the bundle of clients, (Medical Travel, p. 13, 14)(disclosing how to pay for on-board expenses).

9. As per claim 8, Medical Travel discloses a method further comprising the step of providing a default treatment protocol for at least one client, (Medical Travel, p. 4)(disclosing providing a patient's exact dialysis and oxygen treatment protocol).

10. As per claim 9, Medical Travel discloses a method further comprising the step of modifying the default treatment protocol in response to a medical status of the client, (Medical Travel, p. 4)(disclosing emergency services that are a modification of a treatment protocol).

11. As per claim 10, Medical Travel discloses a method further comprising the step of coordinating billing of the accommodation to the bundle of clients, (Medical Travel, p. 13, 14)(disclosing how to pay for on-board expenses).

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12. As per claim 11, Medical Travel discloses a method further comprising the step of coordinating billing of the clinical services to the bundle of clients, (Medical Travel, p. 13, 14)(disclosing how to pay for on-board expenses).

13. As per claim 12, Medical Travel discloses a method wherein the step of providing clinical services includes providing at least one duty nurse servicing a bundle of clients in the bundle accommodation, (Medical Travel, p. 4)(disclosing a nurse).

14. As per claim 17, Medical Travel discloses a method wherein the accommodation is a short-term guest based accommodation, (Medical Travel, p. 16)(disclosing short-term guest based accommodation for on-board weddings).

15. As per claim 18, Medical Travel discloses a method wherein the step of providing the accommodation includes modifying a standard hotel room for the client, (Medical Travel, p. 14)(disclosing accommodations including a handicapped room).

16. As per claim 19, Medical Travel discloses a method wherein the step of providing clinical services includes providing rehabilitation therapy services in a facility of the accommodation, (Medical Travel, p. 8)(disclosing medical vacation trips for European medical procedures that are considered to include rehabilitation therapy services).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medical Travel Inc., in view of Lee, (U.S. 2001/0031997).

18. As per claim 13, Medical Travel fails to disclose a method further comprising restocking a central supply of materiel in response to the clinical services provided. However, such a method is well-known in the art as evidenced by reference to Lee, (Lee, ¶ 9)(disclosing refill of a drug reservoir which is considered to be restocking a central supply of materiel in response to the clinical services provided).

It would have been obvious to one of ordinary skill in the art to combine Medical Travel and Lee. The motivation would have been to connect a remote patient and/or medical device with a clinician for diagnosis and treatment, (Lee, Abstract).

19. As per claim 14, Medical Travel fails to disclose a method further comprising the step of recording medical status information of the client in an electronic database. However, such a method is well-known in the art as evidenced by reference to Lee, (Lee, ¶ 16).

The statement of obviousness and motivation to combine Medical Travel and Lee is as provided in the rejection of claim 13 and incorporated herein by reference.

20. As per claim 15, Medical Travel fails to disclose a method further comprising the step of providing access to the medical status information to a physician having responsibility to the client. However, such a method is well-known in the art as evidenced by reference to Lee, (Lee, ¶ 16).

The statement of obviousness and motivation to combine Medical Travel and Lee is as provided in the rejection of claim 13 and incorporated herein by reference.

21. As per claim 16, Medical Travel fails to disclose a method further comprising the step of providing access to the medical status information to a third party provider of the client. However, such a method is well-known in the art as evidenced by reference to Lee, (Lee, ¶ 16)(disclosing access by multiple providers).

The statement of obviousness and motivation to combine Medical Travel and Lee is as provided in the rejection of claim 13 and incorporated herein by reference.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Mayer et al., (U.S. 2002/0010597); Smith et al., (U.S. 6,430,496); Richard Westlund, *Medical Tourism*, Latin Trade, New York, Jan 2000, Vol. 8, iss. 1, pp. 62-64, *available at*:

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<http://proquest.umi.com/pqdweb?did=47719848&sid=2&Fmt=3&clientId=19649&RQT=309&Vname=PQD>.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSG
11/16/2006



Carolyn Bleck
Patent Examiner-3626
11/27/06